

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

November 07, 2023

United States of America

v.

Kevin Joel Lainez

)

Case No.

Nathan Ochsner, Clerk of Court

4:23-mj-2042

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of June 29, 2022 in the county of Waller in the
Southern District of Texas, the defendant(s) violated:*Code Section*

8 U.S.C. § 1326 (a) and (b) (1)

Offense Description

a native and citizen of Honduras and an alien who had been previously deported from the United States, after having been convicted of a crime defined as a felony, was found unlawfully in the United States at Hempstead, Texas, the said defendant having not obtained the consent before March 2003 from the Attorney General of the United States to reapply for admission into the United States; and without having obtained corresponding consent after February 2003 from the Secretary of Homeland Security pursuant to 6 U.S.C. §§ 202(3) and (4) and 6 U.S.C. § 557,

This criminal complaint is based on these facts:

See Attached Affidavit in support of the Criminal Complaint

 Continued on the attached sheet.


Complainant's signature

Shawna Campbell, ICE Deportation Officer

Printed name and title

Sworn to me telephonically.

Date: 11/07/2023City and state: Houston, Texas


Judge's signature

Judge Yvonne Ho, United States Magistrate Judge

Printed name and title

4:23-mj-2042

AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT

I, Shawna Campbell, being duly sworn by telephone, hereby depose and say:

(1) I am a Deportation Officer with the United States Immigration and Customs Enforcement (“ICE”) and have served in that capacity since September 2016. Prior to this assignment, I have held the following positions: Immigration Enforcement Agent and a Federal Correctional Officer. My law enforcement career began on January 7, 2007, as a Federal Correctional Officer. I have over 10 years of immigration law enforcement experience.

On November 8, 2023, Kevin Joel Lainez is scheduled to release from TDCJ into ICE custody. The Defendant is also known as or has used the alias of Kevin Joel Lainez.

(2) The Defendant’s fingerprints have been taken and electronically submitted to various law enforcement databases. According to the Integrated Automated Fingerprint Identification System (IAFIS), the Defendant is the same individual as the person referred to in this Affidavit as having been previously deported and convicted.

(3) Based upon the information from ICE’s records as described below, and my training and experience, I submit that there is probable cause to believe that the Defendant is in violation of 8 U.S.C. § 1326(a) and (b)(1).

(4) Element One: The Defendant is a citizen and national of Honduras and not a native, citizen or national of the United States.

(5) Element Two: The Defendant has previously been deported or removed from the United States on the following occasion(s):

- a. March 18, 2022
- b. February 8, 2019
- c. February 12, 2018

(6) Element Three: After deportation, the Defendant was subsequently found in the United States on June 29, 2022, in Hempstead, Texas, which is within the Southern District of Texas. Specifically, within the Houston or Galveston Division of the Southern District of Texas. Additionally, ICE’s Law Enforcement Support Center (“LESC”) has been consulted to determine whether, in the past five years and after the Defendant’s last deportation, the Defendant has been encountered by law enforcement prior to the date specified earlier in this paragraph. On November 7, 2023, I reviewed the response from LESC and confirmed that LESC had no record of such an encounter.

(7) Element Four: The Defendant did not have permission to reenter the United States. On November 7, 2023, I reviewed the contents of the Alien File associated with this Defendant and/or available database information. I found no indication that the Defendant has ever received permission from the Attorney General of the United States, or the Secretary of the Department of Homeland Security, to apply for admission to the United States following deportation from the United States. I have requested certification of this fact from the Records Branch of the Immigration Service.

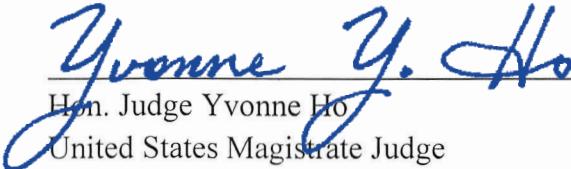
(8) Prior Criminal History / Gang Affiliation. The Defendant has the following prior criminal history and/or gang affiliation:

- a. On July 20, 2023, the Defendant, using the name Kevin Joel Lainez, was convicted in the 506th District Court Waller County, Texas for the offense of kidnapping, a Felony. For this offense, the Defendant was sentenced to two (2) years.
- b. On October 29, 2018, the Defendant, using the name Kevin Joel Lainez, was convicted in the United States District Court, Western District of Texas for the offense of illegal re-entry, a Felony. For this offense, the Defendant was sentenced to time served.
- c. On October 19, 2017, the Defendant, using the name Kevin Joel Lainez, was convicted in the United States District Court, Western District of Texas for the offense of illegal entry, a Misdemeanor. For this offense, the Defendant was sentenced to time served.

On November 7, 2023, I contacted the U.S. Attorney's Office, Southern District of Texas, Houston Division, concerning this criminal complaint. On or about that day, Assistant U.S. Attorney Lauren Valenti accepted this case for prosecution for a violation of 8 U.S.C. § 1326(a) and (b)(1).


Shawna Campbell, Deportation Officer
United States Department of Homeland Security
U.S. Immigration & Customs Enforcement

Signed and sworn telephonically before me on this 7th day of November 2023, and I find probable cause.


Hon. Judge Yvonne Ho
United States Magistrate Judge
Southern District of Texas